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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,204	12/29/2000	Michael Ray Crabtree	YOR920000652US1	9101

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EXAMINER

BASHORE, ALAIN L

ART UNIT PAPER NUMBER

3624

DATE MAILED: 06/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/752,204

Applicant(s)

CRABTREE ET AL.

Examiner

Alain L. Bashore

Art Unit

3624

NW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-10,12-34,36-38,40-43,45-69,71-73,75-78 and 80-101 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-10,12-34,36-38,40-43,45-69,71-73,75-78 and 80-101 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 24, 34-69, 92 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation “strategic relationship” in claims 1, 24, 34, 57, 68, 92; and “strategic partnership” in claims 69, are all considered vague and indefinite since there are no clear meets and bounds. Also, the term may be considered relative, since what is considered “strategic” to one may not be considered “strategic” to another.

Claims 34-68 recite “system” which is vague and indefinite since a system may be one of several different statutory classes of invention (including a method or an apparatus). Applicant must indicate on the record what statutory class of invention the system claims belong to. For the purposes of this examination these claims are considered apparatus.

***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-33 are rejected under 35 U.S.C. 101 as non-statutory because the method claims as presented do not claim a technological basis. Without a claimed basis, the claim may be interpreted in an alternative as involving no more than a manipulation of an abstract idea and therefore non-statutory under 35 U.S.C. 101. In contrast, a method claim that includes in the preamble and body of the claim structural / functional interrelationships that are solely by computer (and non-trivial) are considered to have a technological basis [See Ex parte Bowman, 61 USPQ2d 1669, 1671 (Bd. Pat. App. & Inter. 2001) – used only for content and reasoning since not precedential].

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1,3-10,12-34,36-38,40-43,45-69,71-73,75-78 and 80-101 are rejected under 35 USC 103(a) as unpatentable over Barnes in view of Meltzer in view of Fox further in view of (Haddad et al or Johnson et al).

Barnes teaches a method for facilitating the exchange of goods/services (Abstract)(Fig 1)(Fig 2) utilizing the Internet(Fig 1)(Fig 6B) and incorporating suppliers and buyers(Fig 6B/106)(Fig 6A/84/78) incorporating a bank and a clearing mechanism(Fig 6A/50/18) as well as an invoicing mechanisms(Fig 10)(Fig 11)(Fig 22)(Fig 23)(Fig 24) and approved suppliers(Fig 16) for a commodity(Fig 5/12).Barnes further teaches payment, clearance and settlement over the internet(Fig 1/14/20/18/12/16) between a buyer and seller.

Barnes also teaches a procurement system(Fig 3/12) and a certificate authority(Fig 3/54) as well as a supplier system(Fig 3/16) a clearing gateway(Fig 3/50) as well as client registration(Fig 5/58) and shipment of goods(Fig 5/64) and a purchase order(Fig 5/66). Barnes further teaches an event handler (Fig 6A/80) and a certificate authority application (Fig 7/110) as well as making a purchase (Fig 11) and maintaining suppliers(Fig 14) and a supplier payments maintenance system(Fig 22).

The certificate of authority in Barnes administers a security feature which authenticates buyers and sellers and suppliers. This function is within the broad recitation of subparagraph *iii* and *iv* as recited by applicant. The terms “strategic relationship” and “business process” are encompassed within authentication process per se.

Barnes does not specifically teach a bid network for commodities and currencies and a trading structure architecture.

Meltzer teaches a transaction network consisting of multiple trading partners(Fig 1) operating on the internet (Fig 1/19) including a bid (Fig 2/220/207) and a trading apparatus(Fig 3) incorporating commercial functions(Fig 3/305)as well as an attribute characterization and bid builder(Fig 7/700) and a database(Fig 7/706) and auction house bids(Fig 8/804) and warehouse bids for commodities(Fig 8/803) and currencies(Fig 8/818) and a GUI(Fig 9/900) to the user for the bidding process and publish bidding on the network (Fig 9/907) utilizing product identifiers from OEMs(Fig 8/820) and bidding by RFQs (Fig 8/813) including market maker mechanisms(Fig 11/1105) and an architecture consisting of market makers, marketplaces, businesses, services, transactions, products(Fig 16/1600/1601/1602 /1603/1604/1605/1606). Fox teaches a buy/sell model (Abstract) and a credential-binding server (Fig 22/364)(Fig 1/26/28)(Fig 2/26/28)(Fig 6)(Fig 7)(Fig 10/180/179)(Fig 17/310)(Fig 18/310) at a trusted credential authority (col 2 lines 25-34). Meltzer does not specifically teach a selected business function of managing at least one contract term. Fox also teaches performing a selected business function of managing at least one contract term associated with a transaction by the credential binding server (col 12, lines 25-43) as well as utilizing a network (col 2 lines 10-25). Fox further teaches generating/verifying a registration in the registration process (Fig 3/50/52/54/56/58/60) and a transaction process (Fig 6) consisting of verification (Fig 6/104) and encryption (Fig 6/110) and verifying the authenticity of the originator(Fig 7/122) through signature verification(Fig 7/120). Fox further teaches a commerce application (Fig 10/162) and encrypting and signing (Fig 12) and a merchant, acquirer, purchaser, and a binder (Fig 17/304/306/302/310)

connected over a network (Fig 18/334/338) and purchaser application(Fig 19) and merchant application (Fig 20) and acquirer application (Fig 21) and a binder application (Fig 22).

It would have been obvious to one skilled in the art at the time of the invention to combine Barnes in view of Meltzer to teach part of the above. The motivation to combine is to teach a method for connecting business, customer's suppliers and trading partners together as enunciated by Meltzer (col 2 lines 32-34).

Furthermore, it also would have been obvious to one skilled in the art at the time of the invention to combine Barnes in view of Meltzer and further in view of Fox to teach the disclosure. The motivation to combine is to teach a hub to facilitate the exchange of commodities in an electronic commerce system that facilitates commercial interchange of documents in a large audience while preserving authenticity, integrity and security and privacy as enunciated by Fox (col 2 lines 10-14).

Barnes, Meltzer, and Fox do not explicitly disclose a public business trading hub for the public exchange of one or more commodities, wherein the buyer entity, seller entity, and public business trading hub are each separate and independently owned.

Haddad et al and Johnson et al both disclose a public business trading hub for the public exchange of one or more commodities, wherein the buyer entity, seller entity,

and public business trading hub are each separate and independently owned [( para 0004 to Haddad) (col 4, lines 44-67; col 5, lines 1-8 to Johnson et al)].

It would have been obvious to one with ordinary skill in the art to include a public business trading hub for the public exchange of one or more commodities, wherein the buyer entity, seller entity, and public business trading hub are each separate and independently owned because: Haddad teaches trading entity requirements, or Johnson et al teaches competition requirements for trading.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims of record have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 703-308-1884. The examiner can normally be reached on about 7:00 am to 4:30 pm (Monday thru Thursday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alain L. Bashore